

CHAPTER XLVI.

An Act concerning the county of Rutherford.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same That George Jones, Hugh Watson, senior, and Theoderick F. Burchett, of Rutherford county be, and they are hereby appointed commissioners in behalf of said county, with full power and authority to demand from all persons who are, or who have been officers of, or within the said county, and from the representatives of such as may be deceased on account and settlement for and in respect of the monies of said county which have been or ought to have been received by such officers.

II. *And be it further enacted*, That the said commissioners be, and they are hereby authorised to issue a summons signed by them or a majority of them, directed to every such person as aforesaid who has been, or ought to have been a receiver of the monies of said county, or to his representatives, therein naming a time and place, when and where the said commissioners will proceed to take an account and make a settlement as aforesaid and each summons shall be executed at least ten days before the day therein named, for taking such account; and it shall be the duty of any sheriff, coroner or constable to whom such summons shall be directed, to execute the same, and for the execution thereof he shall be entitled to the same fee (payable out of the funds of said county,) as for executing a warrant from a justice of the peace.

III. *And be it further enacted*, That the said commissioners, a majority being present, shall have full power and authority on the return of such summons, to proceed to an adjustment and liquidation of all claims of the said county against the person so summoned, and for that purpose may require from the clerks and other public officers of the county, the production of such records as may be needed, and may examine on oath all witnesses produced before them; and the witnesses may be required to attend as well on behalf of the persons cited as of the county, under a subpoena from the clerk of the county court as they are required to attend commissioner's referees, and orders of survey, by the laws now in force.

IV. *And be it further enacted*, That it shall be the duty of the said commissioners, whenever they shall have completed their statement of the account of any such officer as aforesaid with the county of Rutherford, to return the said statement unto the next Court of Pleas and Quarter Sessions for said county, and thereupon it shall be competent for the solicitor of the county in behalf thereof; or of the person against whom the same has been stated, to object and except thereunto, stating the items whereunto such objections and exceptions apply, and thereupon the said court shall order an issue or issues, or pass such judgment as shall to them appear proper and just. And if no exceptions or objections be made thereunto, the said statement shall be deemed conclusive between the said county and the party thereunto, and the court may enter up final judgment, and issue execution thereon, in the name of the county for the balance so found to be due: And if objections, or exceptions be made to the account as stated by the said commissioners, the burthen of supporting such objections or exceptions, shall be thrown on the party by whom they are made, and the account so stated shall be taken as *prima facie* just.